



CITY OF DANBURY

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ZONING COMMISSION
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MINUTES JUNE 13, 2006

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The meeting was called to order by Chairman Jack Knapp Jr. at 7:30 PM.

Present were Theresa Buzaid, Anthony DiCaprio, Ted Farah, Theodore Haddad Jr., Helen Hoffstaetter, Jack H. Knapp, Robert Melillo, and Alternate Victoria Hickey. Also present was Planning Director Dennis Elpern.

Absent were Richard P. Jowdy, Donald Kennedy, and Alternates Jean Anderson and Joseph Notaro, Jr.

Chairman Knapp asked Ms. Hickey to take Mr. Kennedy's place for the items on tonight's agenda.

Chairman Knapp led the Commission in the Pledge of Allegiance.

Mr. Melillo made a motion to accept the minutes of May 23, 2006. Mr. DiCaprio seconded the motion and it was passed unanimously.

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PUBLIC HEARINGS:

Petition of Automotive Group Realty LLC and Danbury Automotive Realty LLC, 16 Starr Rd. & portion of 18-22 Starr Rd. (#K10069 and portion of #K10068) for a Change of Zone from IL-40 to CG-20.

Mr. Farah read legal notice. Chairman Knapp read the Planning Department Staff Report dated June 7, 2006. Ms. Hoffstaetter read the Planning Commission recommendation, which was positive.

Attorney Paul Jaber spoke in favor of this petition. He introduced Jim Cranston, who is the design engineer for this project. Attorney Jaber said this parcel is part of the Auto Park on Federal Rd. near the intersection with Starr Rd., just before the overpass. They would like to combine this property with the rest of the facility and put a building on it to be used for servicing and repairing the autos, as well as some offices. He said across the street, on the east and south side is all zoned CG-20. There is a parcel on the west zoned IL-40 that is also owned by the Auto Park, which is not part of this application and is currently used for parking. He said the subject property is flat with no wetlands and has no structures on it presently. He said they just want to combine it with other parcels as it will allow for a better site design. He added that it is highly unlikely that this piece would ever be developed as industrial since it is surrounded on three sides by commercial. Mr. DiCaprio

asked why they did not include that other parcel. Attorney Jaber said they will probably come back later to change that. At the time this petition was filed, they had not yet decided about that parcel so for now they will continue to use it for parking. He explained that wanting to construct the proposed building made them need to combine these lots and that led to this rezoning petition.

Mr. Elpern said he is continually concerned about the loss of property in the IL-40 zone, but this is such a small area that it would not be used effectively for any of the permitted uses in that zone. He said auto dealerships are relatively low traffic generators and this will not be a traffic generator because along this stretch because one side is all railroad tracks and the other side is all car dealerships. He said they do eventually plan to improve the intersection with Starr Rd. but that has nothing to do with this business. Right now, there is a lot of traffic diverted from WCSU and Danbury Hospital due to ongoing construction at both sites. He said Starr Rd. is a potential relief route for Federal Rd. Mr. Haddad asked when the road will be improved. Mr. Elpern said it should be within the next five years; currently HVCEO is doing a study of this corridor, the streets around the Hospital and WCSU.

Chairman Knapp asked if there was anyone to speak in opposition to this petition and there was no one.

Mr. DiCaprio made a motion to close the public hearing. Mr. Melillo seconded the motion and it was passed unanimously. Mr. DiCaprio then made a motion to move this matter to item one under the Old Business on tonight's agenda. Ms. Hoffstaetter seconded the motion.

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Petition of Fabia Patricia Fernandes d/b/a Arts & Party LLC, 68 Keeler St. (#I14372) for Special Permit for a Restaurant Wine & Beer Permit.

Mr. Farah read the legal notice into record. Chairman Knapp read a letter in favor of this from Mark Nolan. Mr. Farah made a motion to incorporate the record of the two previous hearings (March 28, 2006 & April 25, 2006) into this file. Ms. Hoffstaetter seconded the motion and it was passed unanimously.

Patricia Fernandes spoke in favor of this petition. She submitted photos of what the place looked like when they got it back from the tenant and also how it looks now. She said in addition to cleaning up everything, the bar has been reduced from 50 feet to a 5 foot service bar. She asked if any of the Commission members had any questions she could answer.

Mrs. Buzaid asked if she has a lease. Mrs. Fernandes said she does not because her husband essentially owns the building; she just pays rent to help with the operating expenses. Mrs. Buzaid said she does not feel comfortable without a lease, because the Commission has no way of knowing if this business will be here in six months. Ms. Hoffstaetter said since this is to be a restaurant in addition to the party business that would be an additional safeguard. Mr. Haddad asked if this permit is for convenience or

revenue. She said some people don't want to do a party with being able to have wine or beer available, but many parties do not involve serving wine or beer. Mr. Haddad asked if these kinds of parties are booked in advance. She said yes, sometimes up to six months in advance. Ms. Hoffstaetter asked the hours of operation for the restaurant business. She said 12 noon to 9 PM, Monday thru Wednesday and 12 noon to 10 PM, Thursday thru Sunday. Mr. Farah asked what she did about serving liquor when she catered the parties at Hatter Park. She said when she did the parties there; she did not do the food, only the decorations and activities. She said since they now have the restaurant, she thought it would be good to do the food also. Mr. Melillo asked where they would store the beer and wine. She showed him on the floor plan and said it would be a closed area with no access to the public. There were no other questions.

Margaret Mitchell, 2 Park Place, at one time there was activity at this site that was not pleasant, but now they have completely changed it. They have tea and pastries, they have pizza. It is bright and pleasant.

Chairman Knapp asked if there was anyone to speak in opposition to this petition and there was no one.

Mr. Elpern then reviewed the criteria for approval of a Special Permit from Sec. 3.F.2. of the Zoning Regulations.

Mr. DiCaprio made a motion to close the public hearing. Mr. Melillo seconded the motion and it was passed unanimously. Mr. DiCaprio then made a motion to move this matter to item two under the Old Business on tonight's agenda. Ms. Hoffstaetter seconded the motion. Mr. Haddad then said that since we incorporated the records of the March 28th and the April 25th hearings into this file, he cannot vote because he was not present at the April 25th meeting and has not listened to the tapes. Mr. DiCaprio withdrew his motion and Ms. Hoffstaetter withdrew her second of that motion. Chairman Knapp

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OLD BUSINESS:

Petition of Automotive Group Realty LLC and Danbury Automotive Realty LLC, 16 Starr Rd. & portion of 18-22 Starr Rd. (#K10069 and portion of #K10068) for a Change of Zone from IL-40 to CG-20.

Ms. Hoffstaetter made a motion to approve this petition for the following reasons:

- ♦ This is in compliance with the Plan of Conservation & Development and given the nature of the proposed use, the small size of the parcel and its location, this will not have a detrimental effect on the surrounding area.

Mr. DiCaprio seconded the motion. Mrs. Buzaid asked if there will be a traffic light at intersection of Beaver Brook and Starr Rds. Mr. Elpern said it is already approved and will be installed soon. Chairman Knapp called a roll call vote and the motion was passed unanimously.

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There was nothing under New Business and under Correspondence, there was one Cease & Desist Order listed. Chairman Knapp noted that there are public hearings scheduled for June 27, 2006, July 11, 2006 and July 25, 2006 as listed under For Reference Only. He also asked that if anyone knows they will not be here for any of these meeting, they should let him or the secretary know.

At 8:30 PM, Mr. Melillo made a motion to adjourn. The motion was seconded by Ms. Hoffstaetter and passed unanimously.